

PATENT COOPERATION TREATY

PCT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference XA1215	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB01/03882	International filing date (day/month/year) 30/08/2001	Priority date (day/month/year) 13/09/2000
International Patent Classification (IPC) or national classification and IPC G01C11/00		
Applicant BAE SYSTEMS PLC et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 15/02/2002	Date of completion of this report 11.12.2002
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Juárez Colera, M Telephone No. +49 89 2399 2482 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB01/03882

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-10 as originally filed

Claims, No.:

1-10 as originally filed

Drawings, sheets:

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Prior art

Reference is made to the following document:

D1: US-A-5 197 476 (NOWACKI CHRISTOPHER ET AL) 30 March 1993 (1993-03-30)

2 Article 33 (1) and (2) PCT (Novelty)

- 2.1 None of the available prior art documents discloses a method of establishing the position of a target on an object with the combination of features described in claim 1. The subject matter of claim 1 is therefore new.
- 2.2 Claims 2-10 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty.

3 Article 33 (1) and (3) PCT (Inventive Step)

- 3.1 The present application does not meet the requirements of Article 33 (1) and (3) PCT, because the subject-matter of claims 1-10 does not involve an inventive step (Rule 65(1),(2) PCT). The reasons are as follows:
- 3.2 Document D1, which is considered to represent the most relevant state of the art, discloses (cf. abstract; co. 1, l. 23-68; col. 3, l 50-54 and Figs. 1, 2 and 6) a method for determining the position of a target (48) in an object (42) by identifying a number of features (26) located at known positions with respect to the object; establishing a datum coordinate system for the space where the features are, based on the determined position of these features in that space; and determining the position of a target with respect to the said features so as to determine the location of the target in the object.

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☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-10
	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-10
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	

2. Citations and explanations
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

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- 3.3 The subject-matter of claim 1 differs from that of D1 in that (i) the target is not "on" but "in" the object and (ii) the identified features are not on or "associated" with the object.
- 3.4 With respect to the difference (i) the problem to be solved by the present invention may be regarded as identifying a feature on the surface of an object. It is however, immediately apparent from the disclosure of D1, that the described method is also suitable to identify the feature if this is "on" the object. That is to say, the difference (i) concerns the result to be achieved and, since the same result is achieved by the method disclosed in D1, it cannot be considered as any substantial difference with respect to D1.
- 3.5 Concerning the difference (ii) it is noted that: (a) the features being positioned in a space where the object is placed, implies that the spacial relationship between these features, external to the object, and the object, is fixed, i.e. the features are "associated" with the object; (b) even if this fact would not be interpreted as the features being "associated" with the object, it does not present, intrinsically, any advantage, and the characteristic of the spacial relationship between the features and the object being fixed is therefore regarded as an equivalent to the characteristic of the features being "associated" with the object" and (c) in both D1 and the present application the features are referenced with respect to the object independently of their relative position, i.e. the features on or outside the object. These features are therefore interchangeable where circumstances would make it desirable. Consequently, the above-mentioned difference cannot be considered, *per se*, as any inventive contribution over the document D1.
- 3.5 In claims 1-10 slight changes in the method of claim 1 are defined which come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Consequently, the subject-matter of these claims also lacks an inventive step.

4 Article 33 (1) and (4) PCT (Industrial Applicability)

The subject matter of claims 1-10 is susceptible of industrial application.

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